



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,044	03/22/2004	David J. Thomsen	333628003US1	9996

25096 7590 12/11/2006

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER

DAYE, CHELCIE L

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,044

Applicant(s)

THOMSEN, DAVID J.

Examiner

Chelcie Daye

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1, drawn to a system for generating and collecting occupational information, classified in class 707, subclass 102.
- II. Claim 2, drawn to a method for providing access capabilities, in order to collect occupational information, classified in class 707, subclass 9.
- III. Claims 3 and 10-12, drawn to a method of updating a data structure in an application format such as a questionnaire, classified in class 707, subclass 104.1.
- IV. Claims 4 and 13-19, drawn to a data structure for determining work measures for standard deviation information, classified in class 707, subclass 3.
- V. Claims 5-9, drawn to a method obtaining occupational data distinct from the previous occupational data collected and updating the information, classified in class 707, subclass 4.
- VI. Claims 20-22, drawn to a method for refining search information collected, classified in class 707, subclass 5.
- VII. Claims 23-29, drawn to a system for manipulating the data structure in order to comply with each distinctly selected occupation, classified in class 707, subclass 101.

Inventions I-VII, are related as combination and subcombinations.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particular subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)).

In the instant case, the combination (I) as claimed does not require subcombinations II, III, IV, V, VI, and VII, as claimed because it is a system for generating and collecting occupational information, that need not be related to a method for providing access capabilities, in order to collect occupational information, a method of updating a data structure in an application format such as a questionnaire, a data structure for determining work measures for standard deviation information, a method obtaining occupational data distinct from the previous occupational data collected and updating the information, a method for refining search information collected, and a system for manipulating the data structure in order to comply with each distinctly selected occupation. The subcombination II, as claimed does not require combination I, or subcombinations III, IV, V, VI, and VII, as claimed because it is a method for providing access capabilities, in order to collect occupational information, that need not be related to a system for generating and collecting occupational information, a method of updating a data structure in an application format such as a questionnaire, a data structure for determining work measures for standard deviation information, a method obtaining occupational data distinct from the previous occupational data collected and updating the information, a method for refining search information collected, and a system for manipulating the data structure in order to comply with each distinctly

Art Unit: 2161

selected occupation. The subcombination III, as claimed does not require combination I, or subcombinations II, IV, V, VI, and VII, as claimed because it is a method of updating a data structure in an application format such as a questionnaire, that need not be related to a system for generating and collecting occupational information, a method for providing access capabilities, in order to collect occupational information, a data structure for determining work measures for standard deviation information, a method obtaining occupational data distinct from the previous occupational data collected and updating the information, a method for refining search information collected, and a system for manipulating the data structure in order to comply with each distinctly selected occupation. The subcombination IV, as claimed does not require combination I, or subcombinations II, III, V, VI, and VII, as claimed because it is a data structure for determining work measures for standard deviation information, that need not be related to a system for generating and collecting occupational information, a method for providing access capabilities, in order to collect occupational information, a method of updating a data structure in an application format such as a questionnaire, a method obtaining occupational data distinct from the previous occupational data collected and updating the information, a method for refining search information collected, and a system for manipulating the data structure in order to comply with each distinctly selected occupation. The subcombination V, as claimed does not require combination I, or subcombinations II, III, IV, VI, and VII, as claimed because it is a method obtaining occupational data distinct from the previous occupational data collected and updating the information, that need not be related to a system for generating and collecting

Art Unit: 2161

occupational information, a method for providing access capabilities, in order to collect occupational information, a method of updating a data structure in an application format such as a questionnaire, a data structure for determining work measures for standard deviation information, a method for refining search information collected, and a system for manipulating the data structure in order to comply with each distinctly selected occupation. The subcombination VI, as claimed does not require combination I, or subcombinations II, III, IV, V, and VII, as claimed because it is a method for refining search information collected, that need not be related to a system for generating and collecting occupational information, a method for providing access capabilities, in order to collect occupational information, a method of updating a data structure in an application format such as a questionnaire, a data structure for determining work measures for standard deviation information, a method obtaining occupational data distinct from the previous occupational data collected and updating the information, and a system for manipulating the data structure in order to comply with each distinctly selected occupation. The subcombination VII, as claimed does not require combination I, or subcombinations II, III, IV, V, and VI, as claimed because it is a system for manipulating the data structure in order to comply with each distinctly selected occupation, that need not be related to a system for generating and collecting occupational information, a method for providing access capabilities, in order to collect occupational information, a method of updating a data structure in an application format such as a questionnaire, a data structure for determining work measures for standard deviation information, a method obtaining occupational data distinct from the previous

occupational data collected and updating the information, and a method for refining search information collected. Therefore, the inventions are distinct; however, they could be usable together.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for I is not required for II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Wesley Monroe at (626) 795.9900 on January 26, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement traversed (37 CFR 1.143).

This office action sets a one-month period for reply (restriction requirement), the applicant may obtain a two-month extension of time under 37 CFR 1.136(a) before being subject to a reduction of patent term adjustment under 154(b)(2)(C)(ii) and CFR 1.704(b).


Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
December 5, 2006


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100